

Serving the Counts of Feira in the 19th century: João Jerónimo do Couto de Castro e Sousa, archivist and judge

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In the late eighteenth century, D. Miguel Pereira Forjaz¹, lieutenant colonel of the second regiment of Oporto, led a detachment of Portuguese forces to participate in the conquest of Puigcerdá on 26th July 1795, as part of the Roussillon campaigns. He was injured in the battle, and in consequence he received the privilege, on 14 June 1796, of calling himself lord of the entailed estates of Freiriz and Penegate, and to benefit from their incomes for him and his heirs. His father, D. Diogo Pereira Forjaz, was already administrator of these lands and had taken initial steps to make a *tombo*² of the properties. D. Diogo had appointed Fernando Luís Pereira de Sousa Barradas to undertake this task, who had, however, not concluded it because of his nomination to be a magistrate at Arganil (CHABY, 1865, 156; *Chanc. Maria I*, 49, fl. 133; *Roma*, 93B, 128-II).

The owners of entailed estates³, chapels or crown properties were expected to organize a *tombo* in order to document their lands, tenants and taxes due. According to Carlos Alberto de Menezes, one of the first steps in creating such a *tombo* was to specify the property and its limits. When landlords became aware of changes in their properties, such as changed boundaries, evaded taxes, lost documents and titles, or even intruders, there were obliged to establish a *tombo* of ordinary jurisdiction by requesting the appointment of a judge. The candidate should be trained in law or be in public service, and the Desembargo do Paço⁴ should give him a commission describing the applicable regulations and procedures, which were “one well-ordered piece of legislation”, to enable him to proceed (MENEZES, 1819, 7). The appointed judge’s main function was to recognize the

possession and ownership of property, to renew contracts, deal with the municipalities in order to get a complete registry of claims, and other similar possessory actions. This registry he produced, the *tombo*, substituted for any lack of titles, which were often illegible, torn or lost, since it reformed these and served as an original title itself (MENEZES, 1819, XXVII, 8, 97).

The judge was therefore obliged to inquire carefully, and to recognize ownership on the basis of authentic and legal documents; before starting the judicial process, he had to examine and recognize existing titles, books, notarial records, revenues and expenses, and also to investigate the family history and its possessions, customs, maps and cadasters. After he had completed his recognition, the judge presented the results reporting the taxes and expenses to which the lands were subjected at the end of his book (MENEZES, 1819, XIX, XXIV, 97).

For the Forjaz properties at Freiriz and Penegate, Dr. Fernando Barradas was appointed to do this work; he was replaced in 1800 by the graduate António Roberto de Araújo, judge in village of Barca, who in 1806 obtained permission to appoint a registrar (*Roma*, 93B, 128-II). On 12th October 1812 Araújo, who had been promoted to judge of Vila Real⁵, was replaced by the graduate João Jerónimo do Couto de Castro e Sousa. The new judge was appointed to continue his predecessors' work, enjoying ordinary jurisdiction, and had the authority to decide any cause related to the *tombo*. In the next year D. Miguel Pereira Forjaz obtained the privilege of appointing a private notary to help the judge. (*Chanc. João VI*, 16, fl. 57v., 145).

João Jerónimo do Couto de Castro e Sousa (? -1837) was a son of captain João Couto Ribeiro de Castro and D.^a Ana Maria de Abreu Sousa e Vasconcelos, residents in the farm of Assento, in St. Estevão do Penso, Braga. On 8 November 1796, he had already graduated, was married to D.^a Margarida Joana Pereira do Lago, and lived in the Rua das Águas, Braga⁶. He and his wife also owned a farm in St. Estevão, and rented a piece of land at Freiriz in 1804 (GAIO, 1939, XI, 95; ACA, 102-6; *Chanc. Maria I*, 70, fl. 324v.).

In a letter of 29 November 1827 to D.^a Maria Joana Monte Forjaz, Viscountess of Vila Nova de Souto del Rei, written just a few days after his patron's death, João Jerónimo stated that he had done "many works for a huge volume, which is found in the notary's office of his Excellency, and he still had in his possession some documents"⁷ (*Extracto*, fl. 1v.). He wrote that he was available to continue to deal with the counts' business, in particular with the recovery of the *morgadio* archive and the incomes it documented; he also recalled the many discomforts he had experienced in guarding and defending it. He further noted that he had received orders from D. Miguel Forjaz on 22 August 1827 to deposit the archive with a particular scrivener in the village of Prado, which he opposed, reminding his interlocutor of the danger this represented for the papers. D. Miguel retracted his order a few days later, and ordered João Jerónimo to keep the papers in his possession, which caused him some trouble because of the huge responsibility of taking care of the archive. João Jerónimo therefore suggested to the Viscountess that instead of placing it in any scrivener's office, the archive should be deposited in a religious

institution, because that was the only place where it could be safe. He also said that he was afraid that the count's archive would experience the same fate as befell the Marquis of Ponte de Lima, whose archive was partially burned or stolen, causing him much damage.

Today we can still observe some of João Jerónimo's work in the registry of the Counts of Feira, incorporated into the Almada and Lancaster Bastos archive and deposited in the Biblioteca Nacional de Portugal since 1974.

From the first part of the *tombo* of Freiriz and Penegate João Jerónimo extracted in 1816 a *paraphrase of all the rights, and properties belonging to the morgadio*. He also reported his intention of writing a *livro do celeiro*⁸, which he actually completed only in 1821 (*Paráfrase*, 1816, pg. 2).

Three years later, on 3 June 1819, he made a chart, at the request of D. Miguel Forjaz, showing succession fees and taxes on real property from 1800 until that year. In the prologue of this document, he complained about the cavil and fraud of the cottagers, "always driven by interest or ambition, and not by necessity and poverty", and expressed how difficult he found it to disentangle people and their relatives, sometimes already deceased, and their heirs or successors. He also verified various contracts with periods of ten, fifteen and twenty years, and discussed the confused notes of several notaries, sometimes rewarding a few whistleblowers to get additional information (*Synopse*, fl. 2v.).

In 1820 he wrote a new paraphrase, which complements the first one. It reports on all the cottagers in their properties, complemented

with a synopsis of all the farms and pensions by parish. The titles of some contracts were outdated, some by over 100 years, which harmed the administration of the properties. The reform undertaken by João Jerónimo de Castro e Sousa therefore caused great disturbance among cottagers, who described the new imposts as extortions, and other offensive terms. In the prologue of the paraphrase, therefore, João Jerónimo emphasized the many sacrifices and inconveniences he had undertaken in this work, his impatience at the delays of cottagers and his disgust at their insubordination, which had brought him to the point of thinking about renouncing his job. However, his achievements allowed him to "see the prize of five hundred and many measures claimed, many bushels of wheat, chickens, eggs, wine and many other rights almost lost" (*Paráfrase*, 1820, pg. 1-4).

In the following year, João Jerónimo wrote an index of the entailed state records belonging to the archive, in which he reported that the archive was organized into about 46 bundles, and was open to anyone who needed to consult it on some particular issue. In the epilogue, João Jerónimo reminded his readers that until 1812, many documents had disappeared from the archive, but that since that date, they only exited sporadically to resolve pending matters (*Collecção*, fl. 29).

After the death of D. Miguel Forjaz in 1827, and continuing until at least 1830, João Jerónimo de Castro worked for the Counts of Feira, at that time linked to Viscounts of Vila Nova de Souto del Rei, as we can deduce from several letters written to the Viscountess, D.^a Maria Joana Monte Forjaz. In one of them, de Castro described

the state of some properties, such as the palace of Freiriz, giving her advice on managing family affairs. He also asked to be exempted from the administration of some business far away from Braga, and suggested the name of Bernardo José Ferraz Soares da Silva, one of the *tombo* witnesses, to take care of them (*Extracto*, fl. 2v.-23v.).

From the same letters, we know that he was persecuted during the Portuguese Liberal Wars in the summer of 1828, and had been forced to run away with his entire family “among the mountains”. He also said that he had saved the archive and other papers he had at his home, placing them with the nuns of the Conception monastery at Prado village (*Ib.*, fl. 17-17v.).

During the time he worked for the Counts of Feira, João Jerónimo de Castro e Sousa occupied other positions. He was nominated supervisor of the orphans in Santa Marta de Penaguião⁹, and enforcement judge for the Patriarchal Archbishop of Braga¹⁰ (*Chanc. João VI*, 20, fl. 189v.-190; VASCONCELOS, 1984, letter 86).

When he died on March 29th 1837, in Braga, without descendants¹¹, he had been in the service of the Counts of Feira for about twenty years (*Cidade, óbitos*, 1772-1837, fl. 201). ■

Notes

¹ D. Miguel Pereira Coutinho Forjaz Barreto de Sá and Resende (1769-1827), son of D. Diogo Pereira Coutinho Forjaz Barreto de Sá e Meneses (1726-1798) and D.^a Luísa Teresa Antónia Câmara e Meneses (flor. 1745), brother of D.^a Maria Joana Monte Forjaz Câmara e Meneses Coutinho Resende de Sá Magalhães (1783-1855), wife of the 3rd Viscount of Vila Nova de Souto del Rei, D. João José Francisco de Almada e Melo Velho e Lancastre (1783-1812).

² A land register. ALVES, Ivone [et al.] – *Dicionário de terminologia arquivística*. 1ª ed. Lisboa: Instituto da Biblioteca Nacional e do Livro, 1993, pg. 96.

³ For entailed state we mean “morgado”, an institutional and legal form established by royal, ecclesiastic or secular order, intended to defend the territorial economic base of a family. According to this system, the manor fields were inalienable, indivisible and unsusceptible of

sharing after the death of the holder and transmitted under the same conditions to the downward male firstborn or, failing that, by female line. CASTRO, Armando de – “Morgado”. *Dicionário de História de Portugal*. Dir. Joel Serrão. Porto: Figueirinhas, s. d. vol. IV, pg. 345-348; ROSA, Maria de Lurdes – *O morgadio em Portugal. Séc. XIV-XV. Modelos e práticas de comportamento linhagístico*. Lisboa: Ed. Estampa, 1995; id., *As almas herdeiras. Fundação de capelas fúnebres e afirmação da alma como sujeito de direito (Portugal 1400-1521)*. Lisboa: INCM, 2012.

⁴ Portugal’s highest court in this period.

⁵ It claimed that the district of Braga was far away.

⁶ The couple signed a contract with António José Ribeiro and his wife Angélica Maria, from S. Lourenço de Baltazar, term of Guimarães.

⁷ According to the index “Collecção de todos os Tombos, Livros do Celleiro, Escrituras, Documentos e mais títulos pertencentes ao Ex.^{mo}

Morgado de Freiriz e de Penegate”, the *tombo* of 1812 constituted three volumes, but so far we have not been able to find them in the archive.

⁸ A register book of bread rents paid by cottars and administration expenses.

⁹ Appointed on 5th October 1815 for a period of three years.

¹⁰ Since the year 1827 until, at least, 1833.

¹¹ His brothers, sisters and nephews were his executors, and he was buried in the Convent of the Ursulines of Braga, in which his wife had already been buried since 29th March 1831, as stated in a letter of 31 March 1831, to the Viscountess of Vila Nova de Souto del Rei. B. N. P., *ALB, Enc.*, cx. 48B and A. D. B., *Cividade, óbitos, 1772-1837*, fl. 176.

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cx. 93B, n.º 128 – II - unnumbered documents.

cx. 111, n.º 176 – *Collecção de todos os Tombos, Livros do Celleiro, Escrituras, Documentos e mais títulos pertencentes ao Ex.mo Morgado de Freiriz e de Penegate. Oferecida ao Ill.mo e Ex.mo Senhor Conde da Feira, donnatario e senhor dos ditos*

coutos, morgado de Freireiz e de Penegate, Grão Cruz na Ordem de S. Tiago, comendador na Ordem de Cristo, tenente general dos Reaes Exercitos e do Conselho de Sua Magestade pelo seu Juiz do Tombo João Jerónimo do Coutto de Castro e Souza no ano de 1821.

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